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8 National Oceanic and Atmospheric Administration
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9 Suite 4470
10 Long Beach, California 90802
Tel: 562 980 4069

11 Attorneys for Plaintiff and Cross-Defendant
12 UNITED STATES OF AMERICA

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE TERRITORY OF GUAM**

15 UNITED STATES OF AMERICA,
16 Plaintiff,

17 v.

18 MARSHALLS 201, Her Engines, Tackle, Cargo,
19 Appurtenances and Catch of Fish,
20 Defendant.

21 MARSHALL ISLANDS FISHING COMPANY,
22 Cross-Claimant,

23 v.

24 UNITED STATES OF AMERICA,
25 Cross-Defendant.

) Civil Case No. CV 06-00030
)
)

17 **STIPULATED ORDER OF DISMISSAL**
18 **WITH PREJUDICE**

26 The parties have entered into a Consent Decree fully resolving the issues in this Case and
27 have requested jointly, pursuant to Rule 41 of the Federal Rules of Civil Procedure, that this case
28 be dismissed with prejudice and the proceeds of the release bond for the vessel MARSHALLS 201

FILED
DISTRICT COURT OF GUAM
JUN 08 2009
JEANNE G. QUEBATA
Clerk of Court

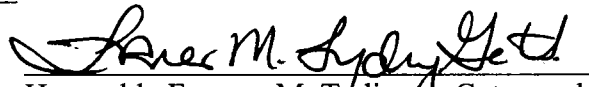
distributed in accordance with the Consent Decree;

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This case is hereby dismissed with prejudice;
2. Pursuant to Local Rule 8.1, governing deposits in this Court,
 - a. The Clerk shall cause to have immediately withdrawn \$2,950,000, with accrued interest, from its account held at the Bank of Hawaii, less any penalties due to early withdrawal of funds, and processing fees;
 - b. The Clerk shall cause a cashier's check payable to the National Oceanographic and Atmospheric Administration in the amount of \$500,000, which shall be delivered to the U.S. Attorney's Office, District of Guam.
 - c. The Clerk shall also cause a cashier's check payable to the Marshalls Island Fishing Company for the remaining amount (\$2,950,000, all interest, less \$500,000 and early withdrawal penalties and processing fees), which shall be delivered to Daniel J. Berman of Berman O'Connor & Mann.
3. Each party shall bear their own attorneys' fees and costs.

SO ORDERED:

June 8, 09


Honorable Frances M. Tydingco-Gatewood
Chief Judge, District Court of Guam

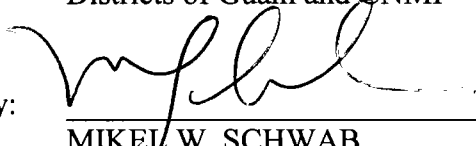
APPROVED AS TO FORM AND CONTENT: this 2ND day of June, 2009.

Plaintiff and Cross-Defendant
UNITED STATES OF AMERICA

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and CNMI

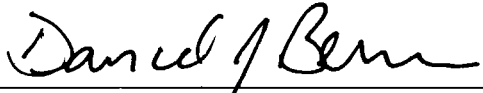
RECEIVED
JUN 02 2009
DISTRICT COURT OF GUAM
HAGATNA, GUAM

By:


MIKEL W. SCHWAB
Assistant U.S. Attorney

1 APPROVED AS TO FORM AND CONTENT: this 2 day of June, 2009.

2 Defendant Vessel
3 MARSHALLS 201

4 By: 
5 DANIEL J. BERMAN, Counsel for
6 Marshall Islands Fishing Company
7 Owner of the MARSHALLS 201
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